THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO: 22119 of 2005

Dated: 31-03-2006

Between:

Jala Bushanam and two others.

..... PETITIONERS

AND

Deputy Executive Engineer,
R&B, Jaggaiahpeta, Krishna District
and three others.

.....RESPONDENTS

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 22119 of 2005

O R D E R:

The petitioners filed this writ petition seeking a declaration that the action of the respondents in not taking action against the encroachers on road margin of R&B road in front of the lands of the petitioners in Sy.Nos.20/1, 54/1 and 54/2 to an extent of Acs.3.20 cents in Chittyala village limits as arbitrary and illegal.

This Court, while directing notice before admission by order dated 07-10-2005, directed as under:

> "Pending further orders, the respondents are directed to ensure that no encroachment take place by the side of the R&B road, in front of the lands of the petitioners in Sy.Nos. 20/1,54/1 and 54/2 to an extent of Ac.3.20 cents in Chittyala village."

In response to the notice ordered on 07-10-2005, the first respondent-Deputy Executive Engineer, R&B Division, Jaggaiapet filed a counter affidavit stating that the Department neither granted any permission to anybody for erection of any structures nor the land adjacent to road was leased out for cultivation. It is also stated that as per the standing instructions of the Government of Andhra Pradesh in TR&B Department, erection of structures in the Road Boundaries should not be done under any circumstances as per Memo.No.8019-R1(2)2003, dated 03-07-2003. As such, the department is very much interested in extending the needful

cooperation to the eviction authorities under eviction laws including the Executive Officers of the Grama Panchayat/Panchayat Secretaries who are also vested with the powers of eviction under the Act. It is further stated that the department has initiated action by addressing the Mandal Revenue Officer, Vatsaval for initiating the eviction proceedings duly extending assistance for survey and fixing of boundaries.

In view of what has been stated in the counter affidavit, no further enquiry is necessary in the writ petition.

Accordingly, recording the statement of the first respondent, the writ petition is disposed of with a further direction to the first respondent to take necessary steps in accordance with law. No costs.

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G.ROHINI,J

Dated: 31-03-2006
Klp